761551N25A - SH-AD-32A

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT
A Tradition of Service

DATE: April 15, 2013
FILE NO:

OFFICE CORRESPONDENCE

FROM: BUDDY GOLDMAN, COMMANDER
NORTH PATROL DIVISION

TO: ALICIA E. AULT, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS:

Case Number:	FO2312520 / IV2332663
Incident:	Significant Force
Incident Date:	April 29, 2012
Unit:	Santa Clarita Valley Station
Suspect:	Rogelio Lopez, MH/08-09-68
Involved Employees:	Deputy [redacted] #[redacted] Deputy Brian Heischuber, #[redacted] Deputy [redacted] #[redacted] Deputy [redacted] #[redacted] Deputy [redacted] #[redacted]
EFRC Date:	April 10, 2013

The Executive Force Review Committee (EFRC) consisting of Commanders Buddy Goldman, David Fender, and Bobby Denham met and reviewed the above case.

FORCE POLICY RELATING TO INCIDENT:

Law Enforcement officers are entitled to use the amount of force that is reasonable and necessary to make an arrest, prevent escape, or overcome resistance.

FINDINGS:

A Santa Clarita Station deputy working a one person patrol car checked the waiting incidents via his mobile digital terminal and observed a call for service at 26723 Isabella Parkway. The information in the call identified the suspect, Rogelio Lopez, as a possible armed and dangerous parolee at large, who was also wanted for sexual abuse of a child.

The informant in the call was an off-duty Santa Clarita detective. As the deputy drove to the location of the call, he called the detective on his cell phone to gain additional information. The deputy learned the suspect was currently driving away from the location. The deputy saw the suspect drive past him and he (deputy) made a U-turn. The deputy saw the suspect pull to the curb and run from his car. The deputy cleared the car of other potential suspects and requested additional units via his radio. The deputy maintained a visual of the suspect as he ran to the rear of an apartment complex. The deputy broadcasted the suspect's location and description to responding deputies, and as responding units arrived on scene, he began setting up a containment.

Several deputies took positions at the rear of the apartment complex. Shortly after arriving, a male occupant of an apartment contacted deputies and informed them the suspect knocked on his door, entered his apartment, and stated he had been in an argument with his [redacted] The suspect was still inside the apartment with the informant's [redacted]

Deputies decided to make entry into the apartment to rescue the informant's [redacted] from the suspect. Through the open door, deputies saw the informant's [redacted] in the living room. Deputies asked her where the suspect was located; however, she did not respond verbally and looked toward the kitchen area. Deputies asked her to exit the apartment and she complied.

The deputies were able to see the suspect sitting in the kitchen near the front door. They gave the suspect verbal commands to show his hands and get on the floor. The suspect failed to comply and began a verbal assault.

Deputies moved toward the suspect to remove themselves from the doorway, positioning themselves in front of the suspect. The deputies had their pistols out of their holsters as they made this approach. One of the deputies grabbed the suspect's left arm, while another deputy grabbed the suspect's right arm. The suspect stood up causing the barrel of one of the deputy's pistols to be in the center of the suspect's chest. The suspect placed his hand over the top of the pistol which caused the weapon to go into single action mode.

The deputy alerted the other deputies the suspect had the pistol, and the deputy twisted his body to maintain control of his pistol causing all of them to fall to the floor. Once on the floor, the suspect began kicking his legs and attempting to push himself off the floor.

Believing the suspect was armed with the pistol, one deputy punched the suspect in the face eight to nine times. Another deputy punched the suspect in the ribs seven to ten times. A third deputy struck the suspect in the legs with his sap approximately four times and then struck the suspect in the head with his flashlight approximately three times to prevent him from kicking the deputies. The deputies were able to place the suspect in handcuffs without further incident. The suspect sustained injuries to his face and legs during the struggle.

The EFRC determined the force used by four of the five involved deputies to control the uncooperative and resistive suspect was reasonable, necessary, and justified. The EFRC also determined the tactics used by all five involved deputies were in violation of Department policy.

The EFRC deemed as **Founded** the allegations that the force and tactics used by Deputy Brian Heischuber were in violation of the Department's Manual of Policy and Procedures,

1. That in violation of Section(s) 3-01/050.10, Performance to Standards; and/or 3-01/030.10, Obedience to Laws, Regulations, and Orders (as it pertains to section 5-06/105.00, Tactical Incidents), on or about April 29, 2012, while on duty Deputy Heischuber failed to conform to the work standards established for his position, when he failed to appropriately address a tactical dilemma and engaged a suspect who was potentially armed and dangerous without the presence of a supervisor; and/or without requesting additional Department resources, such as a canine unit; and/or making entry into the location without communicating with other Deputy personnel present regarding the potential use of less-lethal options such as O.C. spray, a taser, an Arwen, and/or a pepperball deployment system; and/or poor communication with other Deputy personnel present including failure to establish an adequate arrest plan, and/or;

2. That in violation of Section(s) 3-01/050.10, Performance to Standards; and/or 3-01/025.10, Unreasonable Force (subsequently amended to 3-10/030.00), on or about April 29, 2012, while on duty Deputy Heischuber failed to conform to the work standards established for his position, when he used force which was objectively unreasonable given the circumstances presented, i.e., striking the suspect in the face with his fist eight to nine times when multiple deputies had control of the suspect in a prone position on the ground, and the suspect's actions of trying to push up from the ground was not sufficiently aggressive to justify the repeated blows to the suspect's face.

RECOMMENDATIONS:

The EFRC recommended Deputy Brian Heischuber #[redacted]receive a **ten (10) day suspension.** The EFRC recommended Deputy Heischuber attend the eight-hour Professional Development Ethical Decision Making class and the four-hour Arrest and Control for Field Operations class.

Additionally, the EFRC recommended the unit commander, Captain Paul Becker, conduct a tactical debriefing with the involved personnel regarding the circumstances of this incident.

BG:JER:jer

Los Angeles County Sheriff's Department
Supervisor's Report on Use of Force

Incident Information

URN: 912-057769-0634-064	Date: 4/29/12	Time: 1905	
Location: [redacted] Isabella Parkway #[redacted]		City or Station: Canyon Country	
Bureau/Station/Facility: Santa Clarita Station		Admin. Investigation: YES ☐ NO ☒	
Type of Force: Significant - Impact Weapon (Hospitalization)			
Deputy Injury: YES ☒ NO ☐	Suspect Injury YES ☒ NO ☐		
☒ Call ☐ Observation ☐ Detail		☐ Foot Pursuit ☐ Vehicle Pursuit	
IAB Notified: YES ☒ NO ☐	Person Notified: Lt. Alicia Ault	Emp: [redacted]	IAB Roll Out: YES ☒ NO ☐

Involved Employee

E1

Employee # [redacted]	Last Name [redacted]	First Name	Middle Name [redacted]
Sex: ☒ Male ☐ Female	Race: W	Unit of Assignment: Santa Clarita Station	Work Assignment (Unit #, Module, etc.): 62
Shift: ☐ EM ☐ Day ☒ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	Age: [redacted]	Height: 510 / Weight: 185
☐ Injured ☐ Treated ☐ Admitted	Hospital:	Coroner Case #	Directed Force ☐ / Significant Force ☐

E2

Employee # [redacted]	Last Name [redacted]	First Name	Middle Name [redacted]
Sex: ☒ Male ☐ Female	Race: W	Unit of Assignment: Santa Clarita Station	Work Assignment (Unit #, Module, etc.): 62A
Shift: ☐ EM ☐ Day ☒ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	Age: [redacted]	Height: 601 / Weight: 220
☐ Injured ☐ Treated ☐ Admitted	Hospital:	Coroner Case #	Directed Force ☐ / Significant Force ☐

E3

Employee # [redacted]	Last Name Heischuber	First Name Brian	Middle Name A.
Sex: ☒ Male ☐ Female	Race: W	Unit of Assignment: Santa Clarita Station	Work Assignment (Unit #, Module, etc.): 64A
Shift: ☐ EM ☐ Day ☒ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	Age: [redacted]	Height: 602 / Weight: 220
☒ Injured ☒ Treated ☐ Admitted	Hospital: N/A	Coroner Case #	Directed Force ☐ / Significant Force ☒

☒ Additional Involved Employees

On Duty Supervisor

Emp. #	Last Name	First Name	Middle Name	Rank	Present	Witness to Incident
[redacted]	Klement	Timothy	G.	Sgt.	YES ☐ NO ☒	YES ☐ NO ☒
					YES ☐ NO ☐	YES ☐ NO ☐

Watch Sergeant

Emp. #	Last Name	First Name	Middle Name

Watch Commander

Emp. #	Last Name	First Name	Middle Name
[redacted]	Bryski	Thomas	W.

Watch Commander (**Print Name**) | Watch Commander's **Signature**: | Emp #: | Date

Victor M Allen, Sergeant
Supervisor Completing Form: (**Print Name**) | [redacted] Emp #: | Copy Provided to Employee by: | Emp #:

Unit Commander (**Print Name**) | Unit Commander's **Signature**: | Emp #: | Date

DISCOVERY Use Only
FO#

Original: Discovery Unit
Copy: Unit Commander

SH-R-438P (Rev. 03/12)

Supervisor's Report on Use of Force
INVOLVED EMPLOYEE - Continuation
912-05769-0634-064

Involved Employee

E 4

Employee #	Last Name	First Name	Middle Name
[redacted]	[redacted]		

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
[X] Male [ ] Female		East Los Angeles (on loan to SCT)	63

Shift		Age	Height	Weight
[ ] EM [ ] Day [X] PM	[X] Regular Shift [ ] OT Shift [ ] Off Duty	[redacted]	603	220

	Coroner Case #	
[ ] Injured [ ] Treated [ ] Admitted Hospital: ______		Directed Force [ ] Significant Force [X]

E 5

Employee #	Last Name	First Name	Middle Name
[redacted]	[redacted]		[redacted]

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
[X] Male [ ] Female	H	West Hollywood (on loan to SCT)	61T1

Shift		Age	Height	Weight
[ ] EM [ ] Day [X] PM	[X] Regular Shift [ ] OT Shift [ ] Off Duty	[redacted]	511	190

	Coroner Case #	
[ ] Injured [ ] Treated [ ] Admitted Hospital: ______		Directed Force [ ] Significant Force [X]

E__

Employee #	Last Name	First Name	Middle Name

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
[ ] Male [ ] Female			

Shift		Age	Height	Weight
[ ] EM [ ] Day [ ] PM	[ ] Regular Shift [ ] OT Shift [ ] Off Duty			

	Coroner Case #	
[ ] Injured [ ] Treated [ ] Admitted Hospital: ______		Directed Force [ ] Significant Force [ ]

E__

Employee #	Last Name	First Name	Middle Name

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
[ ] Male [ ] Female			

Shift		Age	Height	Weight
[ ] EM [ ] Day [ ] PM	[ ] Regular Shift [ ] OT Shift [ ] Off Duty			

	Coroner Case #	
[ ] Injured [ ] Treated [ ] Admitted Hospital: ______		Directed Force [ ] Significant Force [ ]

E__

Employee #	Last Name	First Name	Middle Name

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
[ ] Male [ ] Female			

Shift		Age	Height	Weight
[ ] EM [ ] Day [ ] PM	[ ] Regular Shift [ ] OT Shift [ ] Off Duty			

	Coroner Case #	
[ ] Injured [ ] Treated [ ] Admitted Hospital: ______		Directed Force [ ] Significant Force [ ]

Supervisor's Report on Use of Force
SUSPECT INFORMATION
9 1 2 - 0 5 7 6 9 - 0 6 3 4 - 0 6 4

Suspect Information

S 1

Last Name: Lopez	First Name: Rogelio	Middle Name: Llanos
AKA Last Name: Gomez	First Name: George	Middle Name: Servantes

Sex: ☒ Male ☐ Female	Race: H	Street Address: [redacted]	City: [redacted]	State & Zip Code: [redacted]

Work Phone: [redacted]	Home Phone: [redacted]	Age: 43	Height: 506	D.O.B. 08/09/68	Weight: 190	Armed? ☒

Booking #: 3138866 Primary Charge Code: 459 PC Secondary Charge Code: 148 (C) PC Criminal History [redacted]

EMT in attendance? ☒ YES ☐ NO Name: ______ Unit: ______ Phone #: ______

Hospital Admission? ☒ Rec'd Treatment At: ______ Coroner Case #: ______ Mental History ☐ User's guide provides direction on this entry

By Doctor: ______ Address: ______ Phone #: ______

Under Influence: ☒ YES ☐ NO Substance: Methamphetamine | 5150 a factor in force ☐ YES ☒ NO User's guide provides direction on this entry

Suspect Interview

Date: 04/30/12 | Time: | ☐ Audiotape: ☐ Videotape: ☒ Photos of Injuries: ☐ ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S__

Last Name	First Name	Middle Name
AKA Last Name	First Name	Middle Name

Sex: ☐ Male ☐ Female	Race:	Street Address:	City:	State & Zip Code:

Work Phone:	Home Phone:	Age:	Height:	D.O.B.	Weight:	Armed? ☐

Booking #: Primary Charge Code: Secondary Charge Code: Criminal History ☐

EMT in attendance? ☐ YES ☐ NO Name: ______ Unit: ______ Phone #: ______

Hospital Admission? ☐ Rec'd Treatment At: ______ Coroner Case #: ______ Mental History ☐ User's guide provides direction on this entry

By Doctor: ______ Address: ______ Phone #: ______

Under Influence: ☐ YES ☐ NO Substance: ______ | 5150 a factor in force ☐ YES ☐ NO User's guide provides direction on this entry

Suspect Interview

Date: | Time: | ☐ Audiotape: ☐ Videotape: ☐ Photos of Injuries: ☐ ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S__

Last Name	First Name	Middle Name
AKA Last Name	First Name	Middle Name

Sex: ☐ Male ☐ Female	Race:	Street Address:	City:	State & Zip Code:

Work Phone:	Home Phone:	Age:	Height:	D.O.B.	Weight:	Armed? ☐

Booking #: Primary Charge Code: Secondary Charge Code: Criminal History ☐

EMT in attendance? ☐ YES ☐ NO Name: ______ Unit: ______ Phone #: ______

Hospital Admission? ☐ Rec'd Treatment At: ______ Coroner Case #: ______ Mental History ☐ User's guide provides direction on this entry

By Doctor: ______ Address: ______ Phone #: ______

Under Influence: ☐ YES ☐ NO Substance: ______ | 5150 a factor in force ☐ YES ☐ NO User's guide provides direction on this entry

Suspect Interview

Date: | Time: | ☐ Audiotape: ☐ Videotape: ☐ Photos of Injuries: ☐ ADMITS HEARING ANNOUNCEMENTS

☐ Additional Suspects Involved

Supervisor's Report on Use of Force
EMPLOYEE / NON-EMPLOYEE INFORMATION
9 1 2 - 0 5 7 6 9 - 0 6 3 4 - 0 6 4

Employee Witnesses

Emp. #	Last Name	First Name	Middle Name

Non-Employee Witnesses

Last Name	First Name	Middle Name	Age	D.O.B.
[redacted]	[redacted]	[redacted]	45	[redacted]

Street Address	City	Zip Code	Work Ph.	Home Ph.
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

Last Name	First Name	Middle Name	Age	D.O.B.
[redacted]	[redacted]		40	[redacted]

Street Address	City	Zip Code	Work Ph.	Home Ph.
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Work Ph.	Home Ph.

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Work Ph.	Home Ph.

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Work Ph.	Home Ph.

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Work Ph.	Home Ph.

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Work Ph.	Home Ph.

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Work Ph.	Home Ph.

☐ Additional Witness

Supervisor's Report on Use of Force

Method

(AW) Arwen
(BC) Baton: (Control)
(BI) Baton: (Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds: (Control Techniques)
(TT) Control Holds: (Team Takedown)
(TD) Control Holds: (Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device: Hobble (Legs Only)
(TP) Restraint Device: Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

FORCE USED BY		FORCE USED AGAINST		Method (Code)	Type of Injury (Code)	Body Part (Code)
Name	E# or S#	Name	E# or S#			
Rogelio Lopez	S#1	[redacted]	E#1	UC	NN	
Rogelio Lopez	S#1		E#1	RS	NN	
Rogelio Lopez	S#1		E#1	FH	NN	
[redacted]	E#1	Rogelio Lopez	S#1	CH	NN	
	E#1	Rogelio Lopez	S#1	TD	NN	
	E#1	Rogelio Lopez	S#1	RH	NN	
[redacted]	E#2	Rogelio Lopez	S#1	CH	NN	
	E#2	Rogelio Lopez	S#1	RH	NN	
Brian Heischuber	E#3	Rogelio Lopez	S#1	PH	FR	FA
[redacted]	E#4	Rogelio Lopez	S#1	PH	BR	CH
[redacted]	E#5	Rogelio Lopez	S#1	SP	BR	LE
	E#5	Rogelio Lopez	S#1	FL	BR	LE

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

INVESTIGATIVE SUMMARY

INCIDENT: **Significant Use of Force**

IAB FILE NUMBER(S): **FO2312520**

URN#: **912-05769-0634-064**

DATE /TIME: **April 29, 2012 / 1905 hours**

LOCATION: [redacted] **Isabella Parkway #**[redacted] **Canyon Country**

Opening Statement

On April 29, 2012, Deputies [redacted] Brian Heischuber, [redacted] and [redacted] used personal and impact weapons (flashlight and sap) to take Suspect Rogelio Lopez into custody after he ran from deputies and entered an occupied dwelling. He was subsequently diagnosed with a left orbital fracture and nasal fracture. Internal Affairs Bureau Lieutenant Alicia Ault was notified; however, the force rollout team was not activated. Attorney Bita Shasty of the Office of Independent Review was notified but did not respond.

Synopsis

On Sunday, April 29, 2012, Deputy Christopher Craft #[redacted] was working a one-man patrol unit (65B) out of Santa Clarita Station. He checked the waiting incidents via his Mobile Digital Terminal and observed a call for service **[Exhibit A]** at [redacted] Isabella Parkway (Tag 228). The information in the call identified Suspect Rogelio Lopez as a parolee-at-large, who was also wanted for sexual abuse of a child, 288 P.C. (refer to the Incident Report **[Exhibit B]**. The informant in the call was Santa Clarita Detective Adam Dorman #[redacted]

As Deputy Craft drove toward the location of the call, he called Detective Dorman on his cell phone. Deputy Craft learned from Detective Dorman that the suspect was driving away in a green Saturn on Isabel Parkway. While driving down Isabel Parkway, Deputy Craft saw the suspect drive past him in the Saturn. He proceeded to make a U-turn, and saw the suspect pulled to the curb and run from the Saturn, which was left running with the driver's door open. Deputy Craft cleared the Saturn and requested addition units via his radio.

Deputy Craft maintained a visual of the suspect as the suspect ran to the rear of the apartment complex at [redacted] Isabella Parkway. He broadcasted the suspect's location and description to responding deputies. As responding units arrived on scene, Deputy Craft began setting up a containment. Deputy [redacted] # [redacted] was the first assisting deputy to arrive. Deputy Craft who directed him to take a position in the rear of the complex briefed him on the circumstances. Deputy [redacted] took a position in the rear of the complex, exited his patrol car and took a position behind a parked car. He was joined by Deputies [redacted] # [redacted] Brian Heischuber # [redacted] # [redacted] and [redacted] # [redacted]

The male occupant (Witness [redacted] of apartment [redacted] contacted Deputy [redacted] Deputy [redacted] was informed that the suspect, who was a stranger to Witness [redacted] was inside apartment [redacted] with Witness [redacted] The deputies decided to make entry into the apartment to rescue Witness [redacted] They proceeded up the staircase to the patio landing of the apartment. Through the open door, Deputy [redacted] could see Witness [redacted] standing in the living room of the apartment. He asked her for the location of the suspect; however, she did not respond verbally, but she looked toward the kitchen area. Deputy [redacted] directed Witness [redacted] to exit the apartment and she complied.

The deputies were able to see the suspect sitting in the kitchen from the front door. He was about six to eight feet away. They gave the suspect verbal commands to show his hands and to get on the ground. The suspect failed to comply and responded by saying, "Fuck you!" The deputies walked toward the suspect to remove themselves from the doorway (Fatal Funnel), positioning themselves in front of him.

> **IAB Note:** The Los Angeles County Sheriff Department's Tactics and Survival Unit defined the "Fatal Funnel" as follows: An area which tends to become a "choke point" causing personnel to concentrate in one location (doorway, hallway, staircase, alley, etc. . .).

Deputies [redacted] and [redacted] had their guns out as they made the approach. Deputy [redacted] grabbed the suspect's left arm while Deputy [redacted] grabbed his right. The suspect stood up causing the barrel of Deputy [redacted] gun to be in the suspect's chest. The suspect placed his hand over the top of Deputy [redacted] gun, which caused his gun to rack into single action. Deputy [redacted] alerted the other deputies the suspect had a gun and twisted his body to maintain control of his weapon causing them to fall to the ground.

Once they were on the ground, the suspect was kicking his legs and attempting to push himself up. Believing the suspect was armed with a gun, Deputy Heischuber punched the suspect in the face with his fist eight to nine times and Deputy [redacted] punched the suspect in the ribs seven to ten times. Deputy [redacted] struck the suspect in the legs with his sap about four times and struck him with his flashlight about three times to prevent him from kicking deputies. Deputies [redacted] and [redacted]

struggled with the suspect's hands while attempting to handcuff him. They were subsequently able to secure the suspect in handcuffs without further incident.

Deputy Jorge Garcia #[redacted] stayed with Witnesses [redacted] and [redacted] while the deputies made entry into the home (refer to the supplemental report **Exhibit O**).

Involved Personnel

Deputy [redacted] #[redacted]
FOR I - Santa Clarita Station

Work History
Date of Employment: [redacted]
Date Assigned to Patrol:
Date Assigned to Station:
Prior Shooting Incident(s):
Prior Founded Force:

Deputy [redacted] #[redacted]
FOR I - Santa Clarita Station

Work History
Date of Employment: [redacted]
Date Assigned to Patrol:
Date Assigned to Station:
Prior Shooting Incident(s):
Prior Founded Force:

Deputy Brian Heischuber #[redacted]
FOR I - Santa Clarita Station

Work History
Date of Employment: 06/22/05
Date Assigned to Patrol: [redacted]
Date Assigned to Station: 12/18/11
Prior Shooting Incident(s): [redacted]
Prior Founded Force: 1

Deputy Edwardo Sanchez #[redacted]
FOR I – East Los Angeles Station
(On loan to Santa Clarita Station at the time of the incident)

Work History
Date of Employment: [redacted]
Date Assigned to Patrol:
Date Assigned to Station:
Prior Shooting Incident(s):
Prior Founded Force:

Deputy Israel Sanchez #[redacted]
FOR I – West Hollywood Station
(On loan to Santa Clarita Station at the time of the incident)

Work History
Date of Employment: [redacted]
Date Assigned to Patrol:
Date Assigned to Station:
Prior Shooting Incident(s):
Prior Founded Force:

Suspects

Rogelio Lopez MH/43
DOB: 08-09-68
Booking Number 3138866

Suspect Lopez has prior convictions [redacted] (refer to the criminal history report **Exhibit N**).

Injuries

Deputy Heischuber sustained cuts to his right ring and pinky finger.

Suspect Lopez sustained a left orbital fracture and nasal fracture (refer to the medical documentation, **Exhibit C**)

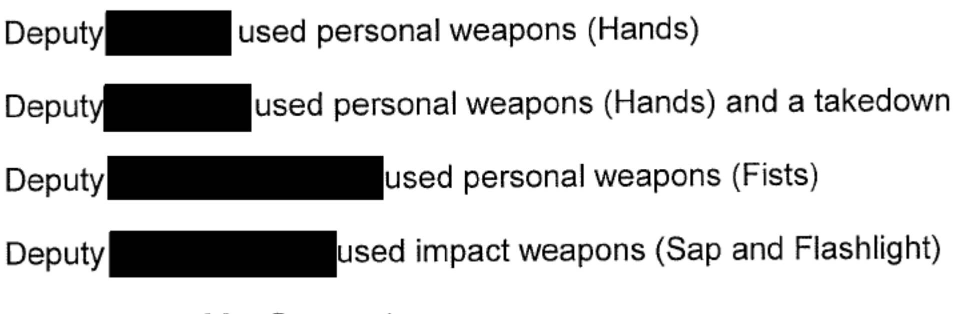
Physical Evidence

None

Investigators Observations

IAB Investigators did not respond to the scene the day of the incident. On the day of the incident, Sergeant Timothy Klement #[redacted] photographed the scene and injuries to Suspect Lopez. IAB Investigator Sergeant Allen took additional photos of the scene on Monday, January 14, 2013 **[Exhibit E].**

Weapons used by Deputy



Deputy [redacted] used personal weapons (Hands)

Deputy [redacted] used personal weapons (Hands) and a takedown

Deputy [redacted] used personal weapons (Fists)

Deputy [redacted] used impact weapons (Sap and Flashlight)

Weapon used by Suspect

Suspect Lopez grabbed Deputy [redacted] firearm during the struggle.

Property Damage

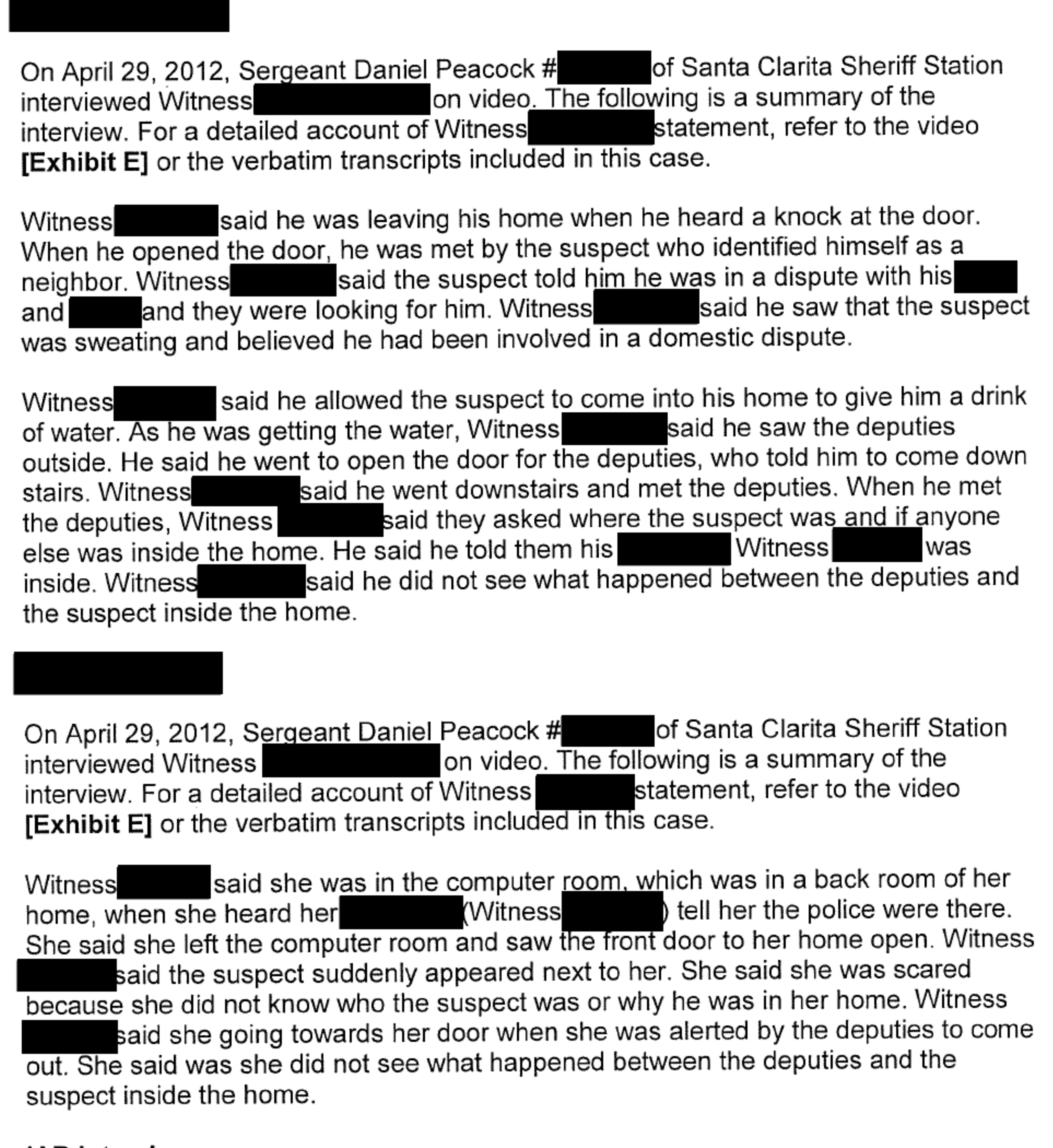
A vase was broken inside Witness [redacted] and [redacted] home.

Criminal Investigator

Detective Patrick O'Neill of the Los Angeles County Sheriff Department's Santa Clarita Station conducted the criminal investigations. On May 1, 2012, the case was presented to the Los Angeles County District Attorney's office for consideration of a complaint. The District Attorney filed five felony counts against suspect Lopez **(Exhibit D)**:

1. False Imprisonment of a Hostage, 210.5 P.C
2. Attempted Firearm Removal, 148(D) P.C.
3. First Degree Burglary, Person Present, 459 P.C.
4. Possession of Firearm by a Felon - Prior(S), 29800(A)(1) P.C.
5. Possession of Ammunition, 30305(A) P.C.

On November 29, 2012, Suspect Lopez pled guilty to a felony count of False Imprisonment and was sentenced to three years in prison to be served in County Jail.



Civilian Witnesses

[redacted]

On April 29, 2012, Sergeant Daniel Peacock #[redacted] of Santa Clarita Sheriff Station interviewed Witness [redacted] on video. The following is a summary of the interview. For a detailed account of Witness [redacted] statement, refer to the video **[Exhibit E]** or the verbatim transcripts included in this case.

Witness [redacted] said he was leaving his home when he heard a knock at the door. When he opened the door, he was met by the suspect who identified himself as a neighbor. Witness [redacted] said the suspect told him he was in a dispute with his [redacted] and [redacted] and they were looking for him. Witness [redacted] said he saw that the suspect was sweating and believed he had been involved in a domestic dispute.

Witness [redacted] said he allowed the suspect to come into his home to give him a drink of water. As he was getting the water, Witness [redacted] said he saw the deputies outside. He said he went to open the door for the deputies, who told him to come down stairs. Witness [redacted] said he went downstairs and met the deputies. When he met the deputies, Witness [redacted] said they asked where the suspect was and if anyone else was inside the home. He said he told them his [redacted] Witness [redacted] was inside. Witness [redacted] said he did not see what happened between the deputies and the suspect inside the home.

[redacted]

On April 29, 2012, Sergeant Daniel Peacock #[redacted] of Santa Clarita Sheriff Station interviewed Witness [redacted] on video. The following is a summary of the interview. For a detailed account of Witness [redacted] statement, refer to the video **[Exhibit E]** or the verbatim transcripts included in this case.

Witness [redacted] said she was in the computer room, which was in a back room of her home, when she heard her [redacted] (Witness [redacted]) tell her the police were there. She said she left the computer room and saw the front door to her home open. Witness [redacted] said the suspect suddenly appeared next to her. She said she was scared because she did not know who the suspect was or why he was in her home. Witness [redacted] said she going towards her door when she was alerted by the deputies to come out. She said was she did not see what happened between the deputies and the suspect inside the home.

IAB Interviews

Deputy Christopher Craft #[redacted]

On January 29, 2013, IAB Investigators Sergeants Victor Allen and Brenda Parker interviewed Deputy Christopher Craft at Internal Affairs Bureau. Representing Deputy

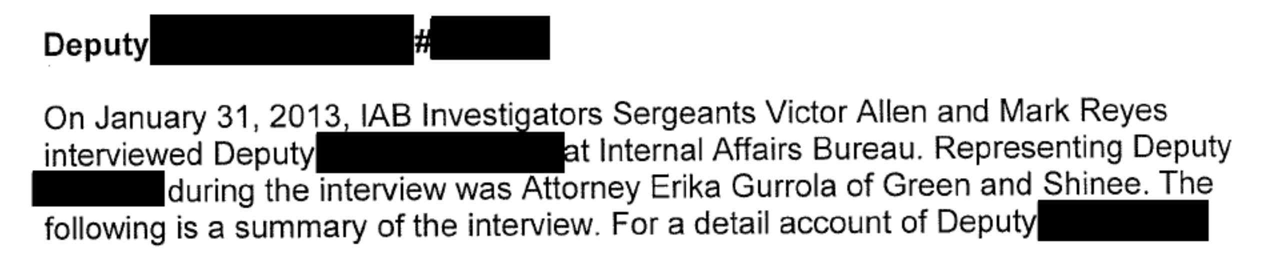
Craft during the interview was Attorney Erika Gurrola of Green and Shinee. The following is a summary of the interview. For a detail account of Deputy Craft's statement, refer to the verbatim transcripts included in this case. In addition, Deputy Craft authored an Incident Report documenting the event and his actions (refer to his report under **Exhibit F**).

Deputy Craft stated he was working a one-man patrol unit (65B) en route to the area of Canyon Country. He checked the waiting incidents via his Mobile Digital Terminal (MDT) and saw a call for service indicating an armed and dangerous parolee-at-large was in the area of Isabel Parkway. Deputy Craft said he was in the area Isabel Parkway and read the narrative of the call. He said he learned the informant for the call was Detective Doorman of Santa Clarita Station (Craft, Pg. 2).

Deputy Craft said he called Detective Doorman via his cell to get updates on the call. As he neared the location, Deputy Craft said he learned the suspect was leaving the location in a green Saturn heading toward Via Princessa on Isabel Parkway. As he drove southbound on Isabel Parkway, Deputy Craft said he saw the suspect drive passed him in a green Saturn. Deputy Craft said he immediately made a U-turn. As he made the U-turn, Deputy Craft said the suspect pulled over and ran from the vehicle (Craft, Pg. 3).

> **IAB Note:** The Saturn listed in the call [Exhibit A] and subsequently towed was blue (refer to the CHP-180 Exhibit F).

Deputy Craft said he pulled in behind the suspect's vehicle and put out emergent radio traffic of the suspect running from him. He said he quickly cleared the car, which the suspect had left running and with the door open, to make sure no one else was inside. Once the car was clear, Deputy Craft said he began setting up a containment with responding units (refer to the radio traffic **Exhibit E**). Deputy Craft said the suspect ran westbound on Isabel Parkway then northbound to the rear of the apartment complex at [redacted] Isabel Parkway. Deputy Craft said he walked northbound maintaining a visual of the suspect and his radio car. He said he told responding units of the last seen direction and description of the suspect. Deputy Craft said he took up a containment position on Isabel Parkway, just to the east of the location. While at his containment position, Deputy Craft said was he contacted by a resident who informed him the suspect had run into an apartment at the rear. Once additional units arrived, Deputy Craft said he relayed the last known location of the suspect to them. The units responded to the rear of the location. Deputy Craft said he maintained his containment position throughout the incident (Craft, Pg. 3).



Deputy [redacted] #[redacted]

On January 31, 2013, IAB Investigators Sergeants Victor Allen and Mark Reyes interviewed Deputy [redacted] at Internal Affairs Bureau. Representing Deputy [redacted] during the interview was Attorney Erika Gurrola of Green and Shinee. The following is a summary of the interview. For a detail account of Deputy [redacted]

statement, refer to the verbatim transcripts included in this case. In addition, Deputy [redacted] authored a Supplemental Report documenting the event and his actions (refer to his report under **Exhibit G**).

Deputy [redacted] said he responded to the location after hearing radio traffic of a parolee-at-large who was running from deputies. When Deputy [redacted] arrived on-scene, he said he received information that the suspect had run into an apartment that was occupied by a man and a woman. The male (Witness [redacted] came downstairs, and appeared to be scared, saying the suspect was inside his apartment. Deputy [redacted] said the female (Witness [redacted]) was still inside the apartment ([redacted] Pg. 2).

Deputy [redacted] said that he, along with Deputies [redacted] and Heischuber, went upstairs to rescue Witness [redacted] (Formica, Pg. 2). Deputy [redacted] said he was in the lead as they went up the stairs with Deputy [redacted] right behind him. Once they reached the landing at the top of the staircase, Deputy [redacted] said he could see Witness [redacted] inside the apartment. Witness [redacted] was standing in the living room about ten feet inside the room. Deputy [redacted] said he asked Witness [redacted] where the suspect was in the apartment; however, she did not answer. He said he asked her again and she looked in the direction of the kitchen, as if he was in there. Deputy [redacted] said he told Witness [redacted] to come out and she complied ([redacted] Pgs. 5-6).

As soon as Witness [redacted] walked out of the apartment, Deputy [redacted] said he took a step to the right and he could see the suspect sitting in a chair ([redacted] Pg. 6). He said he could see the suspect did not have a weapon in his hands and he ordered him to get on the ground, but he did not comply. Deputy [redacted] said that due to the confined space they were in, he did not want the suspect to come to them, so he began to approach the suspect. As he approached, he again told the suspect to get down on the ground and again the suspect did not comply ([redacted] Pg. 2). Deputy [redacted] said that as he made his approach to the suspect he had his gun out. He said he did this in case the suspect came out with a weapon and he wanted to be able to react to it ([redacted] Pg. 3). Deputy [redacted] said he was prevented from moving to another area of the room by a chair and a coffee table ([redacted] Pg. 4).

Deputy [redacted] said he approached the suspect and was about within arm's length of him when he grabbed the suspect's left arm. He said the suspect stood up and pulled his arm away from him. Deputy [redacted] said he grabbed the suspect's arm again and they went down to the ground. Deputy [redacted] said he did not know what caused them to fall to the ground. He said he heard the sound of a gun being rack and heard Deputy [redacted] yell, "gun!" Deputy [redacted] said he checked to make sure his weapon was in his holster. He said he lost control of the suspect's hand for a few seconds, but was able to gain control of it and held it until Deputy [redacted] was able to get the suspect handcuffed.

Deputy [redacted] #[redacted]

On January 31, 2013, IAB Investigators Sergeants Victor Allen and Mark Reyes interviewed Deputy [redacted] at Internal Affairs Bureau. Representing Deputy [redacted] during the interview was Attorney Erika Gurrola of Green and Shinee. The following is a summary of the interview. For a detail account of Deputy [redacted] statement, refer to the verbatim transcripts included in this case. During his interview, Deputy [redacted] was shown a photograph of the scene. The photograph is included with his interview transcript. In addition, Deputy [redacted] authored a Supplemental Report documenting the event and his actions (refer to his report under **Exhibit H**).

Deputy [redacted] said he heard Deputy Craft on the radio requesting units code-3 for a parolee-at-large who had ran from him. He said he responded code-3 from the area of 15th Street and Railroad Avenue, which was eight to nine miles away. He said he was the first unit to arrive at Deputy Craft's position. Deputy Craft briefed him on what happened and directed him to take a position in the rear of the complex. Deputy [redacted] said he took a position in the rear utilizing a parked car as cover ([redacted] Pg. 2).

Deputy [redacted] said Deputies Heischuber, [redacted] and [redacted] arrived on-scene and he briefed them on what he learned from Deputy Craft. Deputy [redacted] said the homeowner (Witness [redacted] came running down the stairs shouting "my [redacted] my [redacted]" Witness [redacted] told them his [redacted] (Witness [redacted]) was inside the apartment with the suspect who had barged inside ([redacted] Pg. 3).

Deputy [redacted] said they quickly developed a plan to go inside and rescue Witness [redacted] due to fact the suspect had committed recent crimes of burglary and rape ([redacted] Pg. 3). He said the plan consisted of who was going to go up first and rescue Witness [redacted] ([redacted] Pg. 5). Deputy [redacted] said Deputy [redacted] followed by him, Deputy Heischuber and [redacted] went up the stairs. Once they were at the door, Deputy [redacted] said he could see Witness [redacted] standing in the doorway with a terrified look on her face. He said he reached in and pulled her out of the apartment ([redacted] Pg. 3).

Deputy [redacted] said at that point, looking through the door, he could see the suspect sitting in a chair, about six to eight feet away from the doorway. The chair was bladed to the door, allowing him to see the suspect's right hand. Deputy [redacted] said the suspect kept his left hand tight to the chair out of his view. He ordered the suspect to show his hands, but the suspect replied, "Fuck you!" Deputy [redacted] said they entered the apartment because they were in the "fatal funnel" of the doorway. He said Deputy [redacted] was to his right as they closed the gap with the suspect. Deputy [redacted] felt he was being pushed in due to four deputies trying to clear the doorway into a small area ([redacted] Pg. 3).

As he closed the gap, Deputy [redacted] said he pulled his gun into his chest and reached for the suspect's right hand with his left hand. As he did this, Deputy [redacted]

said the suspect sprung up out of the chair causing him (Deputy [redacted] to lose control of the suspect's arm. Deputy [redacted] said the barrel of the gun hit the suspect's chest [redacted] Pg. 3). Deputy [redacted] said this caused his gun to rack and placed it in single action; however it did not eject a round [redacted] Pg. 13). The suspect took his right hand and cupped it over the top of the gun. Deputy [redacted] said he shouted, "My gun" and twisted his body causing everybody to fall to the ground [redacted] Pg. 3). Deputy [redacted] said he put his gun in his holster then proceed to try and gain control of the suspect's hands.

Deputy [redacted] said he began trying to pull the suspect's right hand out from underneath his body; however, the suspect was squirming and moving around. Deputy [redacted] said he was giving the suspect verbal commands to give them his hands. Once he was able to gain control of the suspect's right hand, Deputy [redacted] said he tried to grab the suspect's left hand, but the suspect was trying to sweep the deputies feet with his left hand. Deputy [redacted] said he was yanking on the suspect's left hand, but he could not get control of it. With the help of Deputy [redacted] Deputy [redacted] said they were able to gain control of the suspect's left hand and place them in handcuffs.

Deputy Brian Heischuber #[redacted]

On January 29, 2013, IAB Investigators Sergeants Victor Allen and Brenda Parker interviewed Deputy Brian Heischuber at Internal Affairs Bureau. Representing Deputy Heischuber during the interview was Attorney Erika Gurrola of Green and Shinee. The following is a summary of the interview. For a detail account of Deputy Heischuber's statement, refer to the verbatim transcripts included in this case. During his interview, Deputy Heischuber was shown a photograph of the scene. The photograph is included with his interview transcript. In addition, Deputy Heischuber authored a Supplemental Report documenting the event and his actions (refer to his report under **Exhibit I**).

Deputy Heischuber said Deputy Craft requested assistance for a parolee-at-large, 288 PC suspect who had run from him. When he arrived at the location, Deputy Heischuber said he saw Deputy [redacted] in the alley. He said he went and contacted Deputy [redacted] and was told the suspect might be upstairs in an apartment. They took a position behind some parked cars maintaining a visual on an apartment that had a screen door that was ajar. Deputy Heischuber said they were there about two to three minutes when a male (Witness [redacted]) came out of the apartment saying someone was inside and that his [redacted] was in there. They order Witness [redacted] to come down the stairs and he complied (Heischuber, Pgs. 3-4).

Deputy Heischuber said he advised the other deputies on the radio that the suspect was in apartment [redacted] He was not sure if he communicated over L-Tac or on Direct. Deputy Heischuber said Deputies [redacted] and Garcia arrived at their location. Deputy Heischuber said they talked about the need to quickly go up to apprehend the suspect to protect Witness [redacted] and the community, because the information they had was the suspect was armed and dangerous (Heischuber, Pg. 5).

IAB Note: The information contained in the radio call (tag 228) indicated the suspect was armed and dangerous.

Deputy Heischuber said they formulated a plan with Deputy [redacted] taking the lead, followed Deputy [redacted] to the left, and he was going to take the right, in a triangle formation with their guns out as they approached (Heischuber, Pg. 6). It was not until they were on the patio past the wooden gate that Deputy Heischuber said he saw Witness [redacted] inside the living room about fifteen feet from the front door. Deputy Heischuber said Witness [redacted] had a puzzled distraught look on her face. He said deputies were yelling for her to come out. Witness [redacted] walked toward the door and Deputy Heischuber believed one of the deputies grabbed her.

Deputy Heischuber said they were in a horrible position stacked up in the "fatal funnel" of the doorway. He said there was no place for them to move to because of the fence behind them and the window that was to the right of the door (Heischuber, Pg. 9). Once they made entry into the apartment, Deputy Heischuber said he saw the suspect about four to five feet away on the left, sitting in a chair smoking a cigarette. He said the deputies were telling him to stand up and the suspect responded by saying, "Fuck you!"

Deputy Heischuber said Deputies [redacted] and [redacted] went to grab the suspect's hands when the suspect stood up appeared to get close to them. It was at that time Deputy Heischuber said he heard the sound of a gun being racked. Deputy Heischuber said he along with Deputies [redacted] and the suspect went down to the ground. Deputy Heischuber said he was trying to grab the suspect's shoulder at the time they went to the ground (Heischuber, Pgs. 12-13).

Deputy Heischuber said it was his belief the suspect had a gun, based on Deputy [redacted] yelling gun and the sound of a slide being racked. His view of the suspect was a two feet by two feet area that was of the left side of the suspect's face and shoulder. The suspect was attempting to raise himself up by using his arms and elbows. Deputy Heischuber said he could not see the suspect's hands. Believing the suspect would stand up and attempt to shoot them, Deputy Heischuber said he struck the suspect three to four times on the left side of his head with his right fist as hard as he could. Deputy Heischuber said he reassessed and saw that his punches did not have any effect on the suspect (Heischuber, Pgs. 14-15).

Deputy Heischuber said the suspect was still fighting and attempting to push himself up. Believing the suspect was attempting use the weapon he had against them, Deputy Heischuber said he struck the suspect about five more times in the face. He said these punches also did not have any effect on the suspect. At that point, Deputy Heischuber said he was thinking about other options including deadly force, believing the suspect had a gun. It seemed to him the suspect had "super human strength." Deputy Heischuber said he was then struck on the right shoulder by a ceramic vase that fell off the wall. He said he was monetarily stunned by the vase. Before he was able to take additional action, the suspect was placed in handcuffs (Heischuber, Pgs. 15-16).

Deputy [redacted]#[redacted]

On January 31, 2013, IAB Investigators Sergeants Victor Allen and Mark Reyes interviewed Deputy [redacted]at Internal Affairs Bureau. Representing Deputy Sanchez during the interview was Attorney Erika Gurrola of Green and Shinee. The following is a summary of the interview. For a detail account of Deputy [redacted] statement, refer to the verbatim transcripts included in this case. In addition, Deputy [redacted] authored a Supplemental Report documenting the event and his actions (refer to his report under **Exhibit J**).

Deputy [redacted]said there was a call for service that was generated from a detective regarding a parole-at-large and a named 288 suspect. As he was responding, he said the call was updated with information the suspect was armed and dangerous. Deputy [redacted]said Deputy Craft advised on the radio that the suspect had run from him. He said Deputy Craft began coordinating the responding units to various containment positions ([redacted]Pg. 2).

When he arrived, Deputy [redacted]said Deputy Heischuber began asking for units to meet at apartment[redacted] He said he went to apartment[redacted]and met with Deputies [redacted]and Heischuber at the base of the stairs. He said he was briefed that the suspect had run up to apartment[redacted] ([redacted]Pg. 2).

As he was being briefed on the circumstances, Deputy [redacted]said a male came running down the stairs saying his[redacted](Witness[redacted]) was inside with the suspect. He said they decided they needed to quickly go up and rescue Witness [redacted] Deputy [redacted]said they walk up the narrow staircase, which he estimated to be about three feet wide. When they reached the top of the patio, Deputy [redacted]said they were bunched up. He said he heard Deputy [redacted]yelling for Witness[redacted]to come out. Once she came out, he said deputies were ushering her out of the apartment and down the stairway ([redacted]Pg. 3).

As Witness[redacted]was coming out, Deputy [redacted]said they were making entry into the apartment. Deputy[redacted]was giving the suspect commands to show his hands and to get on the ground. Deputy [redacted]said he could not see the suspect at that time because his view was blocked by the other deputies. He said Deputies[redacted]and[redacted]closed the distance to the suspect and each of them tried to grab the suspect's arms. Deputy [redacted]said the suspect was standing at this time and it appeared they began to wrestle and fell to the ground. Deputy [redacted]said he then heard someone yell, "Gun!" ([redacted] Pg. 3).

Deputy [redacted]said he was not sure if the suspect had taken one of the deputies' guns or produced his own gun. He said the suspect was on the ground with his hands tucked under his body, with deputies on top of him. He said this prevented him from seeing the suspect's hands. Deputy [redacted]said he attempted to

pull the suspect's right hand from underneath him, while he believed other deputies were trying to pull out the suspect's left arm. He said he was unable to pull the suspect's arm out, so he punched the suspect seven to ten times on his right rib cage. The suspect was flailing around on the ground and not complying with the orders he was being given. Deputy [redacted] said the suspect finally produced his right arm, which was grabbed by Deputy [redacted] He said he was able to reach over and grab the suspect's left arm and they placed him into handcuffs ([redacted] Pgs. 3-4).

Deputy [redacted]

On February 21, 2013, IAB Investigators Sergeants Victor Allen and Patrick Mannion interviewed Deputy [redacted] at Internal Affairs Bureau. Representing Deputy [redacted] during the interview was Attorney Erika Gurrola of Green and Shinee. The following is a summary of the interview. For a detail account of Deputy [redacted] statement, refer to the verbatim transcripts included in this case. In addition, Deputy [redacted] authored a Supplemental Report documenting the event and his actions (refer to his report under **Exhibit K**).

Deputy [redacted] said when he arrived at the location, he saw several deputies standing at the bottom of the stairs. They were saying the suspect had run upstairs. Deputy [redacted] said the deputies had learned that a female resident was also upstairs with the suspect and they were discussing the need to rescue her. He said they proceeded to go upstairs and he was the last deputy to go up. When he reached the top of the stairs, Deputy [redacted] said the female was already out of the apartment.

From the doorway of the apartment, Deputy [redacted] said he saw the suspect sitting in a chair. Deputy [redacted] said Deputies [redacted] and [redacted] contacted the suspect. He said one of them ordered the suspect to get on the ground. Deputy [redacted] said the suspect stood up and Deputies [redacted] and [redacted] grabbed him by the arms. It was then, Deputy [redacted] said he heard a handgun being racked and Deputy [redacted] yell, "My gun!" He said the suspect was then taken down to the ground. Deputy [redacted] said he did not see how the suspect was taken because his view was blocked by the other deputies.

Deputy [redacted] said he could see the suspect's legs kicking in the air. He went to grab the suspect's leg at the ankle and said he used his body weight in an attempt to control them. He said he was unable to control the suspect's legs, so he struck the suspect about four times in the right leg, below the knee, with his sap. Deputy [redacted] said the suspect continued to kick his legs so he struck him three additional times on the leg with his flashlight. After he struck the suspect with his flashlight, Deputy [redacted] said the suspect stopped kicking his legs and he was able to hold them down. Several seconds later, Deputy [redacted] said he heard the handcuffs being applied to the suspect.

Suspect Rogelio Lopez

On April 30, 2012, Detective Patrick O'Neill of Santa Clarita Station interviewed Suspect Lopez. His interview was summarized in the supplemental report **Exhibit L**. The following is a brief synopsis of Suspect Lopez' statement:

Suspect Lopez said he ran from the deputy because he knew he was wanted. He said he ran into apartment [redacted] to get away. When the deputies arrived at the apartment he said he was told to get on his knees and place his hands behind his back. Suspect Lopez said he complied. When the deputies approached him one of them yelled, "Stop resisting." All the deputies began punching him in the head. One of the deputies said let go of the gun. Suspect Lopez said he did not grab anyone's gun. Suspect Lopez denied fighting with the deputies.

Detective Deegan was present during the interview and asked the suspect about any recent drug use. Suspect Lopez admitted to smoking methamphetamine within the last three hours (refer to the supplemental report **Exhibit M**).